

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NUMBER 4:18-CR-00085
	§	
TYTON HESTER	§	
	§	

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's Motion for Disclosure of 404(b) Evidence and its Purpose (Dkt. #329). Having considered the motion, the Court is of the opinion that Defendant's Motion should be denied.

Defendant requests that the Government provide notice of any Rule 404(b) evidence that the Government intends to use at trial. On May 29, 2018, the Court entered its Scheduling Order relating to pretrial discovery and inspection as to Defendant Tyton Hester (Dkt. #24). The Court's Order provides, in subsection A(9), that the Government shall "[d]isclose to Defendant's attorney Rule 404(b) evidence of the defendant's other crimes, wrongs, or acts which—although inadmissible to prove the defendant's bad character—the government believes to be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident, concerning the instant charge" (Dkt. #24). On January 17, 2020, the Government's Notice of Intent to Offer Evidence under Federal Rule of Evidence 404(b) (Dkt. #332). Moreover, the Government, in the Government's Response to Defendant's Motion for Disclosure of 404(b) Evidence and its Purposes, states that it will further comply with Rule 404(b) should it become aware of any further 404(b) evidence (Dkt. #355). These premises considered, the Court is of the opinion that Defendant's Motion should be denied.

It is therefore **ORDERED** that Defendant's Motion for Disclosure of 404(b) Evidence and its Purpose (Dkt. #329) is hereby **DENIED**.

SIGNED this 3rd day of February, 2020.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE